

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

PLANNED PARENTHOOD SOUTH ATLANTIC;)	
BEVERLY GRAY, M.D., on behalf of)	
themselves and their patients seeking)	
abortions,)	Case No: 1:23-CV-480
)	
Plaintiffs,)	DEFENDANTS' JOINT MOTION
)	TO RESCHEDULE
v.)	PRELIMINARY INJUNCTION
)	HEARING
JOSHUA H. STEIN, Attorney General of)	
North Carolina, in his official)	
capacity; et al.,)	
)	
Defendants.)	

Defendants Philip E. Berger, President *Pro Tempore* of the North Carolina Senate and Timothy K. Moore, Speaker of the North Carolina House of Representatives ("Legislative Leader Defendants"), on behalf of all Defendants, move the Court to reschedule the Preliminary Injunction Hearing from September 21, 2023, to September 25 or 26, 2023. In support of this Motion, Legislative Leader Defendants respectfully show the Court that:

1. The Preliminary Injunction Hearing is currently scheduled to be heard on September 21, 2023, before the Honorable Judge Eagles.

2. A Pretrial Conference Hearing is currently scheduled to be heard on September 25, 2023, before the Honorable Magistrate Judge Auld.

3. Counsel for Legislative Leader Defendants received notice on July 17, 2023, from the Fourth Circuit Court of Appeals that oral argument has been scheduled in another one of his cases on September 19, 2023. Accordingly, Counsel for Legislative Leader Defendants will be preparing for that oral argument leading up to and on September 19, 2023.

4. Counsel for District Attorney Jim O'Neill received notice on July 17, 2023, from the Fourth Circuit Court of Appeals that oral argument has been scheduled in another one of his cases on September 21, 2023. Accordingly, Counsel for District Attorney Jim O'Neil will be preparing for that oral argument leading up to and on September 21, 2023.

5. All parties have conferred about the relief requested in this Motion, and all Defendants consent to it. Plaintiffs' position is: "Plaintiffs do not object to this requested relief, so long as the Court believes it will have sufficient time to render a decision on Plaintiffs' Motion for Preliminary Injunction prior to October 1, 2023."

6. Accordingly, Defendants jointly request that the Court reschedule the Preliminary Injunction Hearing that is currently

scheduled for September 21, 2023, to either September 25 or 26, 2023, assuming that the Court believes that it would still have adequate time to enter an Order on the Plaintiffs' Motion for Preliminary Injunction prior to the expiration of the current October 1, 2023, effective date with either new hearing date.

7. This request is submitted in good faith and not for an improper purpose.

WHEREFORE, Defendants respectfully and jointly request that the Court grant this Motion and reschedule the Preliminary Injunction Hearing from September 21, 2023, to either September 25 or 26, 2023.

RESPECTFULLY SUBMITTED THIS 21st day of July, 2023.

/s/W. Ellis Boyle
W. Ellis Boyle
N.C. State I.D. No. 33826
email:docket@wardandsmith.com*
email:weboyle@wardandsmith.com**
WARD AND SMITH, P.A.
Post Office Box 33009
Raleigh, NC 27636-3009
Tel.: (919) 277-9187
Fax: (910) 794-4877

*Attorney for Defendants
Moore and Berger*

*This email address must be used in order to effectuate service under the Federal Rules of Civil Procedures

**Email address to be used for all communications other than service.

CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of July, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ W. Ellis Boyle
W. Ellis Boyle
Attorney for Defendants
Moore and Berger